

## **Remarks/Arguments**

### **Claims**

Prior to this Reply and Amendment, claims 1-38 were pending. No claims have been amended or cancelled. Claims 39-48 have been added. Following entry of this Reply and Amendment, claims 1-48 will be pending. Support for the foregoing amendments can be found throughout the specification as filed, and specifically at page 13, line 26. No new matter enters by way of these amendments.

### **Response to Detailed Action**

#### **Claim Rejections – 35 U.S.C. § 103(a)**

Regarding paragraph 1 of the detailed action, claims 1-38 stand rejected under 35 U.S.C. § 103(a) over US2002/0061395 (Moran) in view of JP04-201335 (Tanaka). Essentially, this rejection first notes that Moran teaches the use of polymer films within laminated glass, next notes that Tanaka teaches the use of two bonded “light transmissive patterned or printed” layers of film, and then concludes, without any further substantive explanation, that all 38 claims of the present invention are obvious.

This rejection is both legally inadequate and procedurally inadequate.

The MPEP makes clear the minimal grounds for a prima facie obviousness rejection:

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. [MPEP § 2142].

The current Office Action neither provides any indication of where the teaching or suggestion to combine can be found in the prior art, nor provides where all of the claimed limitations can be found in the prior art.

As a preliminary matter, two references cannot legally render the claims obviousness if there is not some suggestion or motivation to combine them. The Office Action provides the

following rationale – “It would have been obvious to one of ordinary skill in the art at the time the invention was made would have applied [sic] patterns to the two or more polyester film layers in Moran . . . in order to obtain intrusion resistant laminates with desirable decorative and visual features.” This reasoning fails.

Moran is directed to safety glass having a double layer of poly(ethylene terephthalate) disposed between two layers of poly(vinyl butyral). Moran is specifically concerned with maintaining a low haze value in the finished product (see, for example, paragraph [0017]). Tanaka, on the other hand, is not concerned with the final transparency of the final product, and in fact makes it clear that, “the first decorative film . . . is characterized in that a . . . first plastic film . . . and second plastic film . . . provided with a ***non-transparent or semitransparent*** printed design . . .” [emphasis added] (page 3 of translation, submitted herewith). This description of the decorative film of Tanaka makes clear that the objects of Tanaka and Moran are distinctly different; whereas Moran seeks to provide a safety glass interlayer having an optically clear double layer of poly(ethylene terephthalate), Tanaka attempts to provide decorative film composites that are not optically clear and that are intended for use inside of a building as an applied film on a “***dividing wall*** made of window glass or indoor glass” [emphasis added].

In sum, and contrary to the conclusion in the office action, an artisan of ordinary skill in art would not have been motivated to use Tanaka’s film composites in Moran’s safety glass, because Tanaka’s films would have made Moran’s invention unusable for its purpose as a low haze, high clarity safety glass. Such a combination of references is impermissible.

In addition to the lack of a motivation to combine the references, the elements taught in Moran and Tanaka cannot be combined to form what is claimed. Even if, *arguendo*, Moran and Tanaka could be permissibly combined, the resulting constructs do not amount to what is claimed, as is required to establish a *prima facie* case of obviousness.

Claim 1 comprises an “adhesive polymer layer” disposed between two polymeric films. Claims, it is settled, are interpreted in light of the specification. An “adhesive polymer layer” is extensively described and defined throughout the specification and certainly does not include microns-thick applications of polymers functioning only to bond two layers of polyester together, as is the case in both Moran and Tanaka. Line 6 on page 10 of the specification specifically notes that an “adhesive layer” of the present invention is a “thin layer that is suitable

for use as an adhesive interlayer in laminated glass structures.” A sprayed on or rolled on adhesive layer having a negligible thickness could not function as an interlayer.

As defined and used throughout the specification and claims, no “adhesive polymer layer” is present in either Moran or Tanaka. Moran clearly indicates that two 7 mil layers of poly(ethylene terephthalate) are combined to form a 14 mil layer (see paragraph [0017]). Clearly no “adhesive polymer layer” is present in Moran between the two poly(ethylene terephthalate) layers even if a poly(vinyl butyral) bonding composition is used to bond the two layers. While Tanaka uses a “urethane-based adhesive” (Page 5 of translation), this adhesive does not constitute an “adhesive polymer layer” as used in the claims because it is merely used to bond the two polyester films together and does not act as an interlayer. Lacking this element, Moran and Tanaka do not make any claim obvious.

In addition to the critical lack of adhesive polymer layer element in either reference, other elements are not disclosed and/or are not specifically indicated in the Office Action. Lacking a specific indication of each element of each claim in each allegedly obvious claim, the obviousness rejections are improper. Regarding claim 11, for example, there is no indication in the Office Action as to a polymeric support film layer having a pattern printed on both sides in either reference.

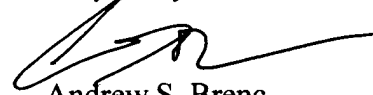
Because there is no motivation to combine the cited references, and there is, in fact, a motivation to not combine them, and because the cited references do not teach a basic claim element, the cited references do not render any of the claims of the present invention obvious, and withdrawal of the obviousness rejections is therefore requested.

**Conclusion**

In view of the amendments and arguments presented herein, Applicant believes that all of the pending claims are in condition for allowance and respectfully request that the Examiner withdraw all outstanding rejections and pass this application to issue. The Examiner is encouraged to contact the undersigned at the phone number provided if she believes that such contact will expedite allowance of the claims.

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Very Truly Yours



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